

SWEET, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AXION POWER INTERNATIONAL,
INC., WILLIAM AND TRACY AHEARN,
h/w, SALLY FONNER, and JAMES
SMITH, M.D.,

Plaintiff,

-against-

Case No. 07 CV 11493 (RWS)

MERCATUS & PARTNERS, LTD., CARI
MASI a/k/a CARY MASI, BANCA MB
S.p.A., DWIGHT PARSCALE,
STEPHANO CEVOLO,

Defendants.

**ORDER TO SHOW CAUSE AND
INTERIM STAY**

U.S. DISTRICT COURT
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DATE FILED: 8/13/08

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Upon reading the annexed affidavit of Evan R. Shusterman, Esq., sworn to July 31, 2008, the Declaration of Stephano Cevolo, sworn to July 22, 2008, the supporting Memorandum of Law and all prior proceedings in this matter, it is

ORDERED that plaintiffs show cause before this Court, Hon. Robert W. Sweet, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 18C, on the 27 day of August, 2008 at noon why the Amended Complaint should not be dismissed as against Defendant Cevolo for lack of personal jurisdiction; and why the Amended Complaint should not be dismissed as against Defendant Cevolo for failure to state a claim upon which relief may be granted; and why a temporary stay of all proceedings should not be granted pending resolution of Defendant Cevolo's Rule 12(b) motion to dismiss; and it is further

U.S. DISTRICT COURT

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B ORDERED, that pending the outcome and determination of this application, all proceedings, including the time for Defendant Mercatus to answer, shall be stayed and tolled; and it is further *other than to vote to move or is extended 30 n days*

S ORDERED that service of a copy of this Order and of the papers on which it is granted upon all parties by service upon their attorneys, all on or before August 11, 2008 shall be good and sufficient service.

Dated: New York, New York
July 31, 2000


Robert W. Sweet, USDJ